

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11597 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- BELDOUR District- Khagaria

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KUNDAN KUMAR SON OF INDRADEO YADAV R/O VILLAGE- MALI,
P.S.- BELDOUR, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Bishweshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 14-09-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in connection with
Beldour P.S. Case No. 217 of 2021, registered for the offences
punishable under Sections 30(A) of Bihar Excise and Prohibition
Act.

Learned counsel for the petitioner has submitted that
nothing was recovered from possession of the present petitioner. The
illicit liquor was recovered from a truck which was parked near the
hotel of the petitioner. The petitioner is a person of clean antecedent.
Though the hotel is in his name but it was conducted by his father.
The petitioner is an aspirant of competitive examination and he has to



appear in BPSC examination. He has also submitted that petitioner is a person of clean antecedent.

Be that as it may, section 76 (2) of the Bihar Prohibition and Excise Act, 2016 makes an explicit embargo on entertaining the application under Section 438 of the Cr.P.C., as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent and nothing was recovered from his possession and also the fact that the petitioner is an aspirant of competitive examination.

With these observations, the criminal miscellaneous petition is disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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